Filed 05/01/19 Entered 05/01/19 14:53:35 U.S. BANKRUPTCY COURT:35 Case 1-19-42681-cec Doc 1

EASTERN DISTRICT OF NEW YORK RECEIVED - BROOKLYN

Fill in this information to identify your case:		NAY 01 2019 PM02:00
United States Bankruptcy Court for the: Eastern District of New York		,,,,,
Case number (If known):	Chapter you are filing under: Chapter 7 Chapter 11 Chapter 12 Chapter 13	☐ Check if this is ar amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/15

The bankruptcy forms use you and Debtor 1 to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a joint case—and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses Debtor 1 and Debtor 2 to distinguish between them. In joint cases, one of the spouses must report information as Debtor 1 and the other as Debtor 2. The same person must be Debtor 1 in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself		
	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case): CLERK
1. Your full name		U.S. BANKRUPTCY COURT
Write the name that is on your government-issued picture	Jose	EASTERN DISTRICT OF NEW YORK
identification (for example, your driver's license or	First name	First RECEIVED - BROOKLYN
passport).	Middle name	Middle name
Bring your picture	Garcia	MAY 01 2019 PM02:01
identification to your meeting with the trustee.	Last name	Last name
	Suffix (Sr., Jr., II, III)	Suffix (Sr., Jr., II, III)
2. All other names you have used in the last 8	First name	First name
years		
Include your married or maiden names.	Middle name	Middle name
	Last name	Last name
	First name	First name
	Middle name	Middle name
	Last name	Last name
3. Only the last 4 digits of	xx - xx - 7 8 4 8	xxx - xx
your Social Security number or federal		
Individual Taxpayer	OR	OR
Identification number (ITIN)	9 xx - xx	9 xx - xx

Debtor 1 Jose First Name Middle	Garcia Name Last Name		Case number (if known)	
professional de vivil de versi not esta la constitución de la constitu	About Debtor 1:	ti talah di tambalah salah salah salah di tamba salah tambalah salah salah salah salah salah salah salah salah	About Debtor 2 (Spouse Only in a Joint Case):	908 (P. 1889)
4. Any business names and Employer Identification Numbers	I have not used any business name	es or EINs.	☐ I have not used any business names or EINs.	
(EIN) you have used in the last 8 years Include trade names and	Business name		Business name	
doing business as names	Business name		Business name	
	EIN		EIN	
	EIN		EIN	
5. Where you live		in Construction of the Con	If Debtor 2 lives at a different address:	
	1227 East 104 Street Number Street		Number Street	
	Brooklyn NY			
	City State Kings	e ZIP Code	City State ZIP Co	de
	County If your mailing address is different fr above, fill it in here. Note that the cou any notices to you at this mailing addre	rt will send	County If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.	
	Number Street		Number Street	
	P.O. Box		P.O. Box	
	City State	e ZIP Code	City State ZIP Co.	de
6. Why you are choosing	Check one:		Check one:	echine (Varianti Pota)
this district to file for bankruptcy	Over the last 180 days before filing I have lived in this district longer tha other district.	this petition, in in any	 Over the last 180 days before filing this petition. I have lived in this district longer than in any other district. 	•
	☐ I have another reason. Explain. (See 28 U.S.C. § 1408.)		☐ I have another reason. Explain. (See 28 U.S.C. § 1408.)	

Debto	or 1 JOSE First Name Middle Na		Last Name		Case number (if k	nown)
	Wilder Va	ma	Cast Haine			
Par	t 2: Tell the Court Abo	ut Your B	ankrun	tov Casa		
			-	toy duse		
7. The chapter of the Bankruptcy Code you				a brief description of each, see <i>No</i> orm 2010)). Also, go to the top of p		U.S.C. § 342(b) for Individuals Filing he appropriate box.
	are choosing to file under	☐ Cha	pter 7			
	☐ Cha	pter 11				
		☐ Cha	pter 12			
		☑ Cha	pter 13			
8. F	dow you will pay the fee	loca your subr with I nec App. By la less pay	I court for self, you nitting you a pre-pred to patication fuest that we a juct than 15 the fee i	or more details about how you a may pay with cash, cashier's our payment on your behalf, you inted address. The fee in installments. If you interest in the fee in installments in installments. If you choose the installments in installments i	may pay. Typical check, or money our attorney may ou choose this op a Fee in Installme waive your fee, a nat applies to you his option, you m	order. If your attorney is pay with a credit card or check oftion, sign and attach the ents (Official Form 103A). Identify the control of th
		Cha	oter 7 Fi	iling Fee Waived (Official Form	103B) and file it	with your petition.
	lave you filed for pankruptcy within the	☑ No				
la	ast 8 years?	☐ Yes.	District .	When	MM / DD / YYYY	Case number
			District	When		Case number
			District	1471	MM / DD / YYYY	O
			District _	When	MM / DD / YYYY	Case number
				The state of the s	AL PROPERTY OF THE LOVE THE THE THE THE	
	Are any bankruptcy cases pending or being	☑ No				
fi	iled by a spouse who is not filing this case with	☐ Yes.	Debtor			Relationship to you
y p	ou, or by a business partner, or by an affiliate?		District _	When	MM / DD / YYYY	Case number, if known
a	illillate:		Debtor			Relationship to you
						Case number, if known
				en (* - 1 den en 2 de se composition en composition de la composition della composition de la composition della composit	MM / DD / YYYY	
	o you rent your esidence?	☑ No. ☐ Yes.	Go to lin	ne 12. Ir landlord obtained an eviction jud	gment against you	and do you want to stay in your
			☐ No.	Go to line 12.		
				Fill out <i>Initial Statement About an</i> bankruptcy petition.	Eviction Judgment	Against You (Form 101A) and file it with

Debtor 1 Jose First Name Middle Na	Garcia Last Name	Case number (if known)			
art 3: Report About Any	Businesses You Own as a S	Sole Proprietor			
. Are you a sole proprietor of any full- or part-time	No. Go to Part 4.				
business?	Yes. Name and location of	business			
A sole proprietorship is a business you operate as an	Marie				
individual, and is not a separate legal entity such as	Name of business, if any				
a corporation, partnership, or LLC.	Number Street				
If you have more than one					
sole proprietorship, use a separate sheet and attach it					
to this petition.	City	State ZIP Code			
	Check the appropriate	e box to describe your business:			
		ness (as defined in 11 U.S.C. § 101(27A))			
	☐ Single Asset Real	Estate (as defined in 11 U.S.C. § 101(51B))			
	☐ Stockbroker (as de	efined in 11 U.S.C. § 101(53A))			
	_	r (as defined in 11 U.S.C. § 101(6))			
	☐ None of the above	;			
Bankruptcy Code and are you a small business debtor?	any of these documents do not	stement of operations, cash-flow statement, and federal income tax return or if t exist, follow the procedure in 11 U.S.C. § 1116(1)(B).			
For a definition of small business debtor, see	☑ No. I am not filing under Cl	·			
11 U.S.C. § 101(51D).	the Bankruptcy Code.	eter 11, but I am NOT a small business debtor according to the definition in			
	Yes. I am filing under Chapt Bankruptcy Code.	es. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.			
Report if You Own	or Have Any Hazardous Pro	operty or Any Property That Needs Immediate Attention			
Do you own or have any	☑ No				
property that poses or is alleged to pose a threat	☐ Yes. What is the hazard?				
of imminent and identifiable hazard to					
public health or safety?					
Or do you own any property that needs	If income adjuster added with a	to accorded while the conductor			
immediate attention?	it immediate attention	n is needed, why is it needed?			
For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?					
•	Where is the property				
		Number Street			
		City State ZIP Code			
		Julie Zir Gode			

Debtor 1	Jose	e Garcia		Case number (if known)	
	First Name	Middle Name	Last Name		

Part 5:

Explain Your Efforts to Receive a Briefing About Credit Counseling

 Tell the court whether you have received a briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

Abaut Dahtan 4.	
About Debtor 1:	

You must check one:

☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

u	I am not required to receive a briefing about
	credit counseling because of:

☐ Incapacity. I have a mental illness or a mental deficiency that makes me

incapable of realizing or making rational decisions about finances.

☐ Disability. My physical disability causes me to be unable to participate in a briefing in person, by phone, or

through the internet, even after I reasonably tried to do so.

Active duty. I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive a briefing about	t
credit counseling because of:	

Incapacity. I have a mental illness or a mental deficiency that makes me

incapable of realizing or making rational decisions about finances.

rational decisions about finances.

Disability. My physical disability causes me

to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty. I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Debtor	1 Jose First Name Middle Nar	Garcia Last Name	Case number (if ki	101Vn)
Part	6: Answer These Que	stions for Reporting Purpos	ses	
	hat kind of debts do	16a. Are your debts prima as "incurred by an individu	rily consumer debts? Consumer de lal primarily for a personal, family, or hou	bts are defined in 11 U.S.C. § 101(8) usehold purpose."
you n	ou have?	No. Go to line 16b.✓ Yes. Go to line 17.		
			rily business debts? Business debts avestment or through the operation of the	
		✓ No. Go to line 16c.✓ Yes. Go to line 17.		
		16c. State the type of debts you	u owe that are not consumer debts or bu	isiness debts.
	re you filing under napter 7?	✓ No. I am not filing under Cl	hapter 7. Go to line 18.	general de la companya del companya del companya de la companya de
an ex ad ar av	o you estimate that after by exempt property is cluded and Iministrative expenses e paid that funds will be railable for distribution unsecured creditors?	administrative expense	ter 7. Do you estimate that after any exe es are paid that funds will be available to	
yo	ow many creditors do ou estimate that you ve?	✓ 1-49 ☐ 50-99 ☐ 100-199 ☐ 200-999	☐ 1,000-5,000 ☐ 5,001-10,000 ☐ 10,001-25,000	25,001-50,000 50,001-100,000 More than 100,000
es	ow much do you itimate your assets to worth?	✓ \$0-\$50,000 □ \$50,001-\$100,000 □ \$100,001-\$500,000 □ \$500,001-\$1 million	\$1,000,001-\$10 million \$10,000,001-\$50 million \$50,000,001-\$100 million \$100,000,001-\$500 million	\$500,000,001-\$1 billion \$1,000,000,001-\$10 billion \$10,000,000,001-\$50 billion More than \$50 billion
es	ow much do you timate your liabilities be?	□ \$0-\$50,000 □ \$50,001-\$100,000 ☑ \$100,001-\$500,000 □ \$500,001-\$1 million	\$1,000,001-\$10 million \$10,000,001-\$50 million \$50,000,001-\$100 million \$100,000,001-\$500 million	\$500,000,001-\$1 billion \$1,000,000,001-\$10 billion \$10,000,000,001-\$50 billion More than \$50 billion
Part '	7. Sign Below	\$555,551 \$1 minor	— \$100,000,001 \$000 Hillion	— More than good sillion
For y	ou	correct. If I have chosen to file under Ch	nd I declare under penalty of perjury tha napter 7, I am aware that I may proceed, I understand the relief available under e	if eligible, under Chapter 7, 11,12, or 13
		If no attorney represents me an	d I did not pay or agree to pay someone and read the notice required by 11 U.S.	who is not an attorney to help me fill out C. § 342(b).
		·	ith the chapter of title 11, United States	•
			ult in fines up to \$250,000, or imprisonm and 3571.	g money or property by fraud in connection ent for up to 20 years, or both.
		Signature of Debtor 1	Signatur	re of Debtor 2
		Executed on MM DD	2019 Execute	

ebtor 1	Jose First Name	Middle Name	Garcia Last Name	Case number (if known)	
epresent you are y an atto	attorney, if you are ted by one not represented prney, you do not le this page.		to proceed under Chapter 7, 11, 12, of available under each chapter for which the notice required by 11 U.S.C. § 342	I in this petition, declare that I have information in the person is eligible. I also certify the 2(b) and, in a case in which § 707(b)(4) formation in the schedules filed with the Date	d have explained the relief nat I have delivered to the debtor(s))(D) applies, certify that I have no
			Signature of Attorney for Debtor	Date	MM / DD /YYYY
			Printed name Firm name Number Street		
			City	State	ZIP Code
			Contact phone	Email address	
			Bar number	State	-

Debtor 1	Jose First Name Middle Name	Garcia Last Name	Case number (if known)				
•	if you are filing this cy without an	should understand that themselves successfu	an individual, to represent yourself in bankruptcy court, but you at many people find it extremely difficult to represent lly. Because bankruptcy has long-term financial and legal e strongly urged to hire a qualified attorney.				
If you are represented by an attorney, you do not need to file this page.		To be successful, you must correctly file and handle your bankruptcy case. The rules are very technical, and a mistake or inaction may affect your rights. For example, your case may be dismissed because you did not file a required document, pay a fee on time, attend a meeting or hearing, or cooperate with the court, case trustee, U.S. trustee, bankruptcy administrator, or audit firm if your case is selected for audit. If that happens, you could lose your right to file another case, or you may lose protections, including the benefit of the automatic stay.					
		court. Even if you plan to in your schedules. If you of property or properly claim also deny you a discharge case, such as destroying cases are randomly audit	perty and debts in the schedules that you are required to file with the pay a particular debt outside of your bankruptcy, you must list that debt do not list a debt, the debt may not be discharged. If you do not list it as exempt, you may not be able to keep the property. The judge can e of all your debts if you do something dishonest in your bankruptcy or hiding property, falsifying records, or lying. Individual bankruptcy ed to determine if debtors have been accurate, truthful, and complete.				
If you dhired ar success Bankruphe fami Are you consequed to the consequence of the cons		If you decide to file without an attorney, the court expects you to follow the rules as if you had hired an attorney. The court will not treat you differently because you are filing for yourself. To be successful, you must be familiar with the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the local rules of the court in which your case is filed. You must also be familiar with any state exemption laws that apply.					
		Are you aware that filing for bankruptcy is a serious action with long-term financial and legal consequences? □ No					
		Are you aware that bankruptcy fraud is a serious crime and that if your bankruptcy forms are inaccurate or incomplete, you could be fined or imprisoned? □ No					
		Did you pay or agree to pa ☑ No ☑ Yes. Name of Person	ay someone who is not an attorney to help you fill out your bankruptcy forms? Petition Preparer's Notice, Declaration, and Signature (Official Form 119).				
		have read and understood attorney may dause me to	eledge that I understand the risks involved in filing without an attorney. I define the third this notice, and I am aware that filing a bankruptcy case without an blose my rights or property if I do not properly handle the case.				
		Signature of Debtor 1	Signature of Debtor 2				
		Date U5 01 7	Date MM / DD / YYYY				
		Cell phone	Contact phone				
		Email address	Email address				

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK www.nyeb.uscourts.gov

STATEMENT PURSUANT TO LOCAL BANKRUPTCY RULE 1073-2(b)

DEBTOR(S) : Jose Gard	ria	CASE NO.:				
Pursuant to Local Bankruptcy Rule 1073-2(b), the debtor (or any other petitioner) hereby makes the following disclosure concerning Related Cases, to the petitioner's best knowledge, information and belief:						
was pending at any time wit (ii) are spouses or ex-spouse (v) are a partnership and one or (vii) have, or within 180 of included in the property of a	thin eight years before the filing of the es; (iii) are affiliates, as defined in 11 e or more of its general partners; (vi)					
	ELATED CASE(S) IS PENDING (
1. CASE NO.:	JUDGE:	DISTRICT/DIVISION:				
CASE STILL PENDING:	(YES/NO): [If closed] Dat	te of closing:				
CURRENT STATUS OF F	RELATED CASE:(Discharged/aw	vaiting discharge, confirmed, dismissed, etc.)				
MANNER IN WHICH CA	SES ARE RELATED (Refer to NOT	TE above):				
		A" ('REAL PROPERTY') WHICH WAS ALSO LISTED IN				
2. CASE NO.:	JUDGE:	DISTRICT/DIVISION:				
CASE STILL PENDING:	(YES/NO): [If closed] Dat	e of closing:				
CURRENT STATUS OF F	RELATED CASE:(Discharged/aw	vaiting discharge, confirmed, dismissed, etc.)				
		TE above):				
	ED IN DEBTOR'S SCHEDULE "A ATED CASES:	" ('REAL PROPERTY') WHICH WAS ALSO LISTED IN				

[OVER]

DISCLOSURE OF RELATED CASES (cont'd)

3. CASE NO.:	JUDGE:	DISTRICT/DIVISION:
CASE STILL PENDING: (YES/NO): [If c	closed] Date of closing:
CURRENT STATUS OF R	ELATED CASE:(Discharge	ed/awaiting discharge, confirmed, dismissed, etc.)
MANNER IN WHICH CAS	SES ARE RELATED (Refer to	o NOTE above):
		LE "A" ('REAL PROPERTY') WHICH WAS ALSO LISTED IN
NOTE: Pursuant to 11 U.S. may not be eligible to be del	C. § 109(g), certain individua otors. Such an individual wil	als who have had prior cases dismissed within the preceding 180 days I be required to file a statement in support of his/her eligibility to file.
TO BE COMPLETED BY I	DEBTOR/PETITIONER'S A	ATTORNEY, AS APPLICABLE:
I am admitted to practice in	the Eastern District of New	York (Y/N):
CERTIFICATION (to be sign	gned by pro-se debtor/petitio	oner or debtor/petitioner's attorney, as applicable):
I certify under penalty of pe time, except as indicated else	rjury that the within bankru ewhere on this form.	aptcy case is not related to any case now pending or pending at any
Signature of Debtor's Attor	ney	Signature of Pro-se Debtor/Petitioner 1227 East 104 Street Mailing Address of Debtor/Petitioner Brooklyn, NY 11236 City, State, Zip Code
		Email Address Area Code and Telephone Number

Failure to fully and truthfully provide all information required by the E.D.N.Y. LBR 1073-2 Statement may subject the debtor or any other petitioner and their attorney to appropriate sanctions, including without limitation conversion, the appointment of a trustee or the dismissal of the case with prejudice.

<u>NOTE:</u> Any change in address must be reported to the Court immediately IN WRITING. Dismissal of your petition may otherwise result.

UNITED STATES BA	OF NEW YO	RK	х	
In re:				Case No. Chapter 13
JOSE Garci	<u>`a</u>	Debtor(s)	ζ	
	:	<u>AFFIRMAT</u>	TION OF F	FILER(S)
All individuals filing a information:	bankruptcy pe	etition on beh	nalf of a pro	se debtor(s), must provide the following
Name of Filer: Address:	Elly:	shia A	<u>ereirq</u>	
Email Address: Phone Number:	(718) 2	17-4012	l.	
Name of Debtor(s):	JOSE	Garcia	7	
CHECK THE APPRO ASSISTANCE PROV — I PREPARED THE FOLLOW	VIDED TO DI THE PETITIO	EBTOR(S):	ASSISTED	O WITH THE PAPERWORK BY DOING
I DID NOT PF	ROVIDE THE	PAPERWOI	RK OR ASS	SIST WITH COMPLETING THE FORMS
FEE RECEIVED:	AID.			
I WAS PAID.	Amount Paid:	\$	·	
I/We hereby affirm th	e information a	above under	the penalty	of perjury.
Dated: 05 01 20)19		Ī	Filer's Signature

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF NEW YORK

In Re: Jose Garcia	x	Case No.	
Jose Garcia		Chapter 13	$\overline{\mathbf{I}}$
Debtor(s)	V		
	x		
VEDIEICATION OF CREDITOR	MATERIAL ICT OF	CDEDITOR	~
VERIFICATION OF CREDITOR	MATRIX/LIST OF	CREDITORS	<u>S</u>
The undersigned debtor(s) or attorcreditor matrix/list of creditors submitted herein is knowledge.	rney for the debtor(s) here is true and correct to the l	eby verifies that t best of his or her	he
Dated:			
	Debtor		
	Joint Debtor		
	s/		
	Attorney for Debtor		

Wells Fargo Home Mortgage P.O Box 10335 Des Moines, IA 50306-0335

Shapiro, DiCaro & Barak, LLC 175 Mile Crossing Blvd Rochester NY 14624